

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE**

KYLE FELLERS, *et al.*,

Plaintiffs,

v.

MARCY KELLEY, *et al.*,

Defendants.

Case No. 1:24-cv-311-SM-AJ

SECOND DECLARATION OF NICOLE FOOTE

I, Nicole Foote, declare the following based on my personal knowledge:

1. I live in Bow, New Hampshire, with my husband Anthony and our two daughters. Both daughters attend public schools in Bow School District, a part of State Administrative Unit 67.

2. My oldest daughter is a senior at Bow High School and plays on the varsity girls' lacrosse team during the spring sports season. My younger daughter is a seventh grader at Bow Memorial School (the local middle school) where she will try out to hopefully make the middle school girls' lacrosse team, during the spring sports season.

3. I am heavily involved in my children's schooling and extracurricular activities. I attend games regularly and often must drive my children to practices, games, and other events.

4. I plan on attending sporting events and other extracurricular events, on and off school grounds, throughout the spring sports season, the school year, and future school years.

5. Because my elder daughter is a senior, this year's spring sports season will be my last chance to watch her compete as a Bow School District athlete.

6. I intend to attend both home and away lacrosse games, during the spring season and in future years. The varsity girls' team plays its games at Bow High School, on the same sports field as is used for boy's home soccer games. The middle school team plays on a field at Bow Memorial School.

7. The varsity girls' lacrosse team has its first game of the season on April 14 and its first home game on April 21. For the middle school girls' lacrosse team, the first game will be on April 15 and the first home game on April 22.

8. The final games of both seasons will occur around May 30—depending on whether these teams make the playoffs.

9. The schedules for spring season games are available on the Bow Athletics website (<https://bowhighschoolathletics.org/main/>). Exhibit R is a true and correct copy of varsity girls' lacrosse team schedule, which was printed from the district's official website. Exhibit S is a true and correct copy of middle school girls' lacrosse team schedule, which was printed from the district's official website

10. If permitted, I would silently but visibly protest on the sidelines in defense of girls' and women's sports at some of these games, by wearing a pink XX wristband on the parents' sidelines during the game. I believe, however, that during this and future school years, protesting in a visible way could cause Defendants to remove me from school property and to take out a No Trespass Order against me,

perhaps lasting through the end of the season as the No Trespass Order that my husband received in September threatened.

11. I also worry that protesting on the sidelines in a silent but visible way by wearing a pink wristband during this and future school years could potentially cause Bow School District sports teams to forfeit games, have games suspended, and become ineligible for the playoffs. As a result of these concerns, I have not been silently protesting even though I would like to.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 24, 2025



Nicole Foote